

We thank you for your consideration of this matter.

Sincerely,

Jeff Bingaman, Rick Santorum, John Kerry, Joseph I. Lieberman, Barbara Mikulski, Maria Cantwell, Edward M. Kennedy, Patty Murray, Evan Bayh, Mark Dayton, Jack Reed, Johnny Isakson, Sam Brownback, Jon S. Corzine, James M. Talent, Pat Roberts, Frank Lautenberg.

James M. Jeffords, Christopher S. Bond, Mike DeWine, Daniel K. Akaka, Mary L. Landrieu, Debbie Stabenow, Charles E. Schumer, Ron Wyden, Herb Kohl, Patrick J. Leahy, Arlen Specter, Hillary Rodham Clinton, Christopher J. Dodd, John McCain, Carl Levin, Tom Harkin, Olympia J. Snowe.

THE SECRETARY OF
HEALTH AND HUMAN SERVICES,
Washington, DC, October 25, 2005.

Hon. CHARLES F. BASS,
House of Representatives,
Washington, DC.

DEAR MR. BASS: Thank you for your letter regarding the "in the home" requirement for Mobility Assistive Equipment (MAE).

The Centers for Medicare & Medicaid Services (CMS) is required to follow section 1861(n) of the Social Security Act (the Act) which states "the term 'durable medical equipment' includes iron lungs, oxygen tents, hospital beds, and wheelchairs (which may include a power-operated vehicle that may be appropriately used as a wheelchair, but only where the use of such a vehicle is determined to be necessary on the basis of the individual's medical and physical condition and the vehicle meets such safety requirements as the Secretary may prescribe) used in the patient's home (including an institution used as his home other than an institution that meets the requirements of subsection (e)(1) of this section or section 1819(a)(1)), whether furnished on a rental basis or purchased. . . ." CMS further defined the durable medical equipment (DME) benefit category at 42 CFR section 414.202 to include equipment that can (a) withstand repeated use, (b) is primarily and customarily used to serve a medical purpose, (c) is not generally useful in the absence of illness or injury, and (d) is appropriate for use in the home.

There are two practical requirements that must be satisfied for coverage of DME which are a logical result of the definition of DME:

(1) The equipment must be appropriate for use in the home. This requirement excludes a gasoline-powered vehicle, for example.

(2) The patient must have a need to use the equipment in the home. This requirement excludes equipment that is only necessary for use outside the patient's home.

Therefore, we do not cover equipment if it is exclusively needed outside of the home. However, if DME is needed in the home and the beneficiary also uses it outside the home, the equipment would still be covered. For example, a high strength wheelchair may be covered when appropriate for home use even though it may also be useful outside the home. We do not have any restrictions on the use of the equipment outside of the home as long as there is also a need to use it in the home.

I hope this information has been helpful. Please call me if you have any further thoughts or questions. I will also provide this response to the cosigners of your letter.

Sincerely,

MICHAEL O. LEAVITT.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 533—COMMEMORATING THE 60TH ANNIVERSARY OF THE PERMANENT INTEGRATION OF PROFESSIONAL FOOTBALL BY 4 PIONEERING PLAYERS

Mr. VOINOVICH (for himself, Mr. DEWINE, and Mr. ALLEN) submitted the following resolution, which was considered and agreed to:

S. RES. 533

Whereas the integration of sports supported other ongoing efforts to permanently end racial segregation as an accepted practice in the United States;

Whereas, in 1946, 4 African-American football players, William "Bill" K. Willis and Marion Motley, who played for the Cleveland Browns, and Kenny Washington and Woody Strode, who played for the Los Angeles Rams, all signed contracts to play professional football;

Whereas, on August 7, 1946, Bill Willis was the first of this pioneering foursome to sign a contract to play professional football for the Cleveland Browns forever ending the race barrier in professional football, 1 full year before Jackie Robinson broke the race barrier in professional baseball;

Whereas, thanks to the significant contributions of Bill Willis and Marion Motley, the Cleveland Browns won the National Football League (NFL) Championship in 1950 which was the first year the Cleveland Browns played in the NFL;

Whereas, in addition to permanently ending the race barrier in professional football, Bill Willis and Marion Motley were recognized for their outstanding professional football careers by their election to the Pro Football Hall of Fame; and

Whereas 2006 marks the 60th anniversary of the permanent integration of professional football, and the NFL will commemorate this milestone during the 2006 Pro Football Hall of Fame Game: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 60th anniversary of the permanent integration of professional football; and

(2) respectfully requests the Secretary of the Senate to transmit for appropriate display an enrolled copy of this resolution to—

(A) the Pro Football Hall of Fame in Canton, Ohio; and

(B) William K. Willis, the only surviving member of the pioneering foursome who permanently ended the race barrier in professional football.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COBURN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Monday, July 17, 2006, at 2:30 p.m. The purpose of this hearing is to receive testimony relating to the implementation of the Energy Policy Act of 2005 Provisions on Hydrogen and Fuel Cell Research and Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COBURN. Mr. President, I ask unanimous consent that the Com-

mittee on Foreign Relations be authorized to meet during the session of the Senate on Monday, July 17, 2006, at 3 p.m. to hold nominations hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that floor privileges be granted for the duration of the stem cell debate to the following: Dr. Roger Johns of Senator HATCH's office; Laura Holland, Jeff McCaffrey, Jon Koepler, Martina Bebin, and Dave Schmickel of Senator ENZI's office; and Nicole Weitz of Senator FRIST's office.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Nathan Porteshawver and Tracie Bryant of my staff be granted floor privileges for the duration of today's session.

On behalf of Senator KENNEDY, I ask unanimous consent that Ahmed Salem, an intern on his HELP Committee staff, be accorded floor privileges during the consideration of the three bills addressing the stem cell issue and all rollcall votes thereon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, on behalf of Senator ROCKEFELLER, I ask unanimous consent that the following legislative fellows in his office be accorded floor privileges for the duration of Senate consideration of stem cell bills, and on all votes thereon: Dr. Al Pheley, a Robert Wood Johnson fellow; and Bruce Gilberg, an American Association for the Advancement of Sciences fellow.

Mr. COBURN. Mr. President, I ask unanimous consent that floor privileges be granted to Lesley Stewart of Senator ENZI's staff, and also Matt Blackburn of my staff for the duration of the stem cell debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Nicholas Greenway and Eugene Lipkin, interns here on Capitol Hill.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

On Thursday, July 13, 2006 the Senate passed H.R. 5441, as follows:

H.R. 5441

Resolved, That the bill from the House of Representatives (H.R. 5441) entitled "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes," do pass with the following amendment: